

CHILD CARE LICENSING ADVISORY COMMITTEE MEETING MINUTES

13 March 2008

Natural Resources Building, 1594 West North Temple, Room 1040
Salt Lake City, Utah

Members Present: Carol Holcombe; Dale Smith; Diane Wilkinson; David Rothschild; George Garff; Susan Cochella; and Carol Thompson.

Members Excused: Christiana Peterson; Michael Libeck; Wendy Hobson-Rohrer; Vicki Bird; and Susan Williams-Ashby.

Staff Present: Joan Isom; Teresa Whiting; Lynda Worthington; Jessica Strout; Joyce Hasting and Donna Thomas.

1. Minutes:

David Rothschild stated that on the last page under # 7, the third line it should read the "Bureau" instead of CCLAC. Mr. Garff made a motion to accept the minutes as amended. Mr. Rothschild seconded the motion. The motion passed unanimously.

2. Update on Family and RC Rules:

Ms. Whiting stated that the family and RC rules have been filed. The public comment period will be the month of April. A postcard will be sent to every RC and family provider explaining where on the website to find the proposed rules and where and how to file their public comments.

Ms. Wilkinson questioned if there were a lot of changes on the rules. Ms. Whiting stated that the Bureau had spent a year meeting with providers and she did not know if there would be more changes. Mr. Rothschild questioned whether the lawyers had made many changes. Ms. Whiting stated that the lawyer had made many word changes, but not any substantive changes, but the Bureau has an interpretation manual which will help providers understand the rules.

If after the 30-day comment period is over there are not any comments that would change the proposed rules, the rules could become effective in July. If there are comments that would cause the Bureau to change the rules we would have another comment period which would delay the effective date of the rules.

Mr. Smith questioned whether there is a proto type of the interpretation manual. Ms. Whiting stated that the Bureau would be working on the interpretation manual. The research on the rationale for the rules has already been done, so the Bureau will only need to work on the enforcement. The manual will be complete before the rules take effect because the

trainer will be training the providers statewide on the new rules before they take effect.

3. Background screening for Licensing staff:

Background checks on all Licensing staff have been completed and everyone passed.

4. Live Scan Fingerprint Machines:

Ms. Whiting stated that each live scan machine costs \$18,000 and the provider must come to the place where the machine is located. Currently we are charged \$31.00 for every FBI clearance we submit. The cost for a live scan screening is \$34.00, which would be an increase for providers. Currently the Bureau is not planning on purchasing live scan machines because of the costs. Providers may have their fingerprints ran either at Public Safety located at 5400 South 3888 West, Salt Lake City. Many local police departments also roll fingerprints for providers. Mr. Smith requested that a list be included on our website with sites that roll fingerprints.

Ms. Wilkinson questioned whether providers could use the BATC's live scan machine to process FBI checks. Ms. Whiting stated that each agency has their own agreement with Public Safety to run FBI checks, and BACT has no statutory authority to run FBI checks for other agencies. They would be in violation of the law if they ran our fingerprint checks. The Bureau statutorily is only allowed to run background screenings on child care providers. Public Safety audits the Bureau (and other agencies that access criminal records) to ensure each entity only runs background screenings on those individuals they have statutory authority over.

5. Senate Bill 184:

Ms. Whiting explained that in January the Health and Human Services interim committee declined to sponsor a bill to clarify our exemption language. After the Legislative session started Senator Greiner submitted a bill which clarifies our statute concerning exemptions for public schools. Ms. Whiting explained that they added the term and definition of "qualifying child". Every place in our statute where the word "child" was listed was changed to say "qualifying child".

Ms. Whiting reviewed the bill with the committee.

- Language was added clarifying that if a higher education program (colleges and universities) has a child care program in conjunction with a course of study that facility is exempt.
- Language was added which exempts child care providers that are under contract with a public school or on school property.
- Language was added which exempts care provided to qualifying children as part of a summer camp that operates on federal land pursuant to a federal permit.
- Language was added to exempt care provided by an organization that is tax exempt and has a written agreement with a local municipality that the local

municipality will oversee the program, if all of the children are school-aged children.

- Language was added that exempts residential support programs which are family support centers or crises nurseries.
- Language was added which states that all exempt providers must conduct a criminal background check on all of their employees that have access to children. Ms. Whiting stated that this addition does not include who will be enforcing this law nor does it disallow individuals who did not pass the background screening from doing child care.

Karen Silver, SLCAP, stated that she raised her concern about the lack of enforcement at the committee hearing for this bill, but the committee still passed the bill.

Mr. Smith clarified line 299 on Senate Bill 184, where it states that the employer will have background checks run on all employees and he questioned whether volunteers had to have background checks. Ms. Whiting stated that volunteers were not included in this bill.

Ms. Whiting stated that by May's CCLAC the Bureau should have a draft of a license exempt rule to clarify issues that the bill did not address.

6. Center Interpretation Manual:

Ms. Whiting distributed copies of revisions to the Center Rule Interpretation Manual. It has been almost a year since the Center Rule Interpretation Manual has been modified. The left hand column of the document distributed states language from the previous version, and the right hand column shows what has been changed. Mr. Smith suggested that Ms. Whiting review the level one enforcement changes made in this document and any other questions may be asked at the next CCLAC meeting in May. Ms. Whiting reviewed the changes in the interpretation manual with the committee.

Mr. Smith explained that his facility has a hiring board and many times the staff person will not start working until two weeks after they have been hired, so the BCI form has not been completed until after the staff person has started working. Ms. Whiting stated that the BCI does not need to be turned in until the staff person has started working at the facility. Mr. Smith stated that his facility uses a lot of volunteers and these volunteers may only volunteer one day a week. He asked when the BCI needs to be submitted for these individuals. Ms. Whiting stated that the statute states that a BCI must be submitted within five days from the first day that the volunteer begins working. Mr. Garff questioned if this applied to parents of children in care volunteering during a field trip. Ms. Whiting stated that the statute excludes parents of children in care from submitting a BCI form.

7. Public Comments:

Karen Silver, SLCAP, expressed appreciation for all of those who contacted their legislators

concerning the additional request for money from the Office of Child Care. HB 173 was passed and now DWS will be doing background checks on family members.

Ms. Holcombe expressed appreciation to Karen Silver for all of the hard work and all of the meetings that she attends for the children of Utah.

Mr. Rothschild made a motion to adjourn the meeting. Ms. Holcombe seconded the motion.

Dale Smith, Chairperson

Teresa Whiting, Executive Secretary